



Gaithersburg

A CHARACTER COUNTS! CITY

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MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION

May 3, 2006

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman and Danny Winborne, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Rob Robinson, Planning Intern Allen Meyer, and Recording Secretary Marie Best.

I. SITE PLANS

AFP-06-012 -- 801 Still Creek Lane in Lakelands MXD Zone
(Jamie Bass Residence)
350 Sq. Ft. Deck with Screened Porch
AMENDMENT TO FINAL PLAN REVIEW

Planning Intern Meyer located the site on an aerial photograph, presented the record plat and proposed elevations, and briefly discussed the proposal. Planning and Code Administration Director Ossont referenced Exhibits 4 and 5, noting the Lakelands Community Association has approved this request.

Planning Intern Meyer voiced staff's recommendation for approval, noting the plan meets §§ 24-170 and 24-172 of the City's Zoning Ordinance, subject to the applicant's compliance with a condition that he listed. The applicant was absent at this time.

There was no testimony from the public.

Commissioner Levy moved, seconded by Commissioner Winborne, to grant AFP-06-012 – 801 Still Creek Lane in Lakelands, AMENDMENT TO FINAL PLAN APPROVAL, finding the plan in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following condition:

1. Applicant is to comply with the conditions of the Lakelands Community Association's Design Review Committee.

Vote: 5-0

SP-05-0013 -- Watkins Mill Town Center – Part I MXD Zone
Metropolitan Grove Road
436 Mixed Residential Units
and Urban Core Streets Only
FINAL PLAN APPROVAL

Planner Marsh introduced the site plan by giving a brief history of the site, including the Schematic Development Plan (SDP) and Forest Conservation Plan approvals and then oriented the Planning Commissioners to the location of the 125-acre site via surrounding roadways and landmarks.

Applicant representative Gary Unterberg, Rodgers Consulting, Inc., began his presentation by referencing an illustrative site plan that included the overall development. He explained that tonight's meeting was for the 436 residential units and Urban Core Streets only. He said future site plans for the overall completion of Watkins Mill Town Center would include the storm water management pond, the buildings in the downtown Urban Core, and the hotel site to be located along Watkins Mill Road.

Mr. Unterberg mentioned the planned street system for the development and located the major roadways that would service the neighborhood. He provided the steps that were taken before the site plan hearing tonight. He reminded the Commission that the applicant had sought road code and environmental waivers, which were granted by the Mayor and City Council. The Planning Commission has already approved the Design Guidelines and the Forest Conservation Plan.

In relation to the SDP process, Mr. Unterberg reviewed an exhibit showing the reconfiguration of four (4) lots that was required in order to facilitate the final design of the stormwater management area. He noted, however, that the number of units and unit types did not change. He stated that the Mayor and City Council had previously reviewed this reconfiguration as a Courtesy Review in conformance with the Amendment to SDP process. The Council directed the Planning Commission to approve the lot reconfiguration at the time of final site plan review.

Mr. Unterberg presented multiple plans relating to the site and provided exhibits and renderings detailing noise attenuation and decorative fencing that will be placed in front of and around the units abutting Watkins Mills Road as well as other general fencing throughout the site plan. He outlined the respective parties that will have ownership and maintenance responsibilities for the various areas on the site plan such as common green space, the clubhouse and amenity areas, the storm water pond and other environmentally sensitive areas, tot lots, and alleys.

Mr. Unterberg presented a sampling of the architectural renderings of the dwelling model types and their respective elevations and materials. He reviewed the single-family detached, single-family attached, cottage, and two-over-two units. He stated that there are the six (6) "custom" lots for which the proposed specific architecture would have to come back to the Planning Commission for approval. In response to Chair Bauer's inquiry about whether the "Vanderbilt" elevation (Exhibit #104) could be visible on a corner lot, Mr. Unterberg noted their location on the Lot Matrix exhibit, which showed single-family homes or cottages on either side of the "Vanderbilt" units, or Vanderbilts facing an open space area or a stream valley. In response to Chair Bauer's inquiry regarding any offsets to the fronts of townhouses, Mr. Unterberg stated that the site plan allows for a 2-foot setback within different strings of townhouses and that the two-over-two's are to provide relief in some symmetrical form and will be utilized in the final stick plans.

In reference to several inquiries made by Chair Bauer, Mr. Unterberg clarified that the Clubhouse tennis court could also be considered a multipurpose court because the net in the middle of the court would be able to be removed. Mr. Unterberg further explained in response to Chair Bauer's inquiry that in terms of a drop-off area, there exists a bump out in lieu of two parallel parking spaces in front of the bathhouse, which would be designated as a loading and unloading area. At the Clubhouse end, although not designated as a drop-off area, there is parallel parking available, as well as a 20-foot alleyway that would allow for temporary

parking, and two parking spaces at the backdoor of Clubhouse. Mr. Unterberg revisited the detail and locations of the noise attenuation walls, stating that there are no long expanses of the noise wall fencing, and that the design and placement of the various walls are based on the noise study completed. He added that there would be room at the ends of the noise walls for landscape buffering. Regarding fencing, Mr. Unterberg stated that the plans do allow for the option of rear and side fencing, and that the Design Guidelines contains a section addressing the issue of fencing. In addition, Mr. Unterberg reviewed the direction and outline of the development's pathways, sidewalks and the hiker/biker trails.

Continuing to respond to Chair Bauer's inquiries, Mr. Unterberg stated that the Urban Core sites would be rough graded, seeded, and stabilized on an interim basis after the roads were complete during the project staging process. As to the designated City park on the west end of the site plan, there currently exists a temporary dead-end street that ends in front of the future designated City park site. Mr. Unterberg stated that if, in the future, the City wished to extend this road further into the site to provide for parking, the option is there; however, there were no plans to do so at this time. Regarding the visibility of the Clubhouse vending alcove and its contents, Mr. Unterberg stated that the alcove is located inside the pool area and will be screened with landscaping and fencing. Commissioner Kaufman expressed concern about the location of the vending alcove and its proximity to the kiddy pool.

In response to Commissioner Kaufman's inquiries, Mr. Unterberg stated that although there are several green spaces, there are no planned playing fields. In addition, the intent to provide a setback relief for the townhouses would be reflected in the front and the rear elevations. During the first phase of residential building, residents would have access to the MARC Station via a temporary path to the property line with a small grassy area in between, ending just prior to the train platform. He stated there also would be parallel parking available on the adjacent street. The location of this temporary access path would change as the different residential blocks develop.

Commissioner Hopkins expressed concern that the hiker/biker trail does not continue to the MARC platform area, and he preferred to see the trail in place early on, as opposed to later stages of development. Mr. Unterberg stated that during the various phases of build-out, and until the garage and commercial center are built, the trail would be closed or relocated at various intervals.

Commissioner Hopkins stated that he was pleased to see the range of colors used in the colored renderings presented at tonight's meeting and inquired as to whether the same color range would be used when the actual units were being constructed. Mr. Unterberg stated that the color scheme is outlined in the Design Guidelines, and that the intent is to emulate the renderings presented this evening. Mr. Unterberg stated the developers would be working with staff for approval of final color, material, and elevation for each unit in order to comply with the lot matrix, the key lot plan, and the Design Guidelines.

Commissioner Levy echoed Commissioner Kaufman's concern regarding a lack of amenities as far as playing fields and larger green spaces that could be used for something of a more active nature, particularly for younger children.

Commissioner Winborne noted several issues regarding access to the clubhouse and pool area by the residents on the opposite side of Watkins Mill Road. Mr. Unterberg stated that the main crossing point for the development is the intersection of West Watkins Mill and Town Center Boulevard, which is proposed to be an at-grade crossing that would have a traffic light with a stop condition for pedestrians to cross the street. Also in response to Commissioner Winborne, Mr. Unterberg stated that there are no covered pavilions in any of the green spaces. In regards to parking, Mr. Unterberg stated that the number of allocated parking spaces for the clubhouse and pool accommodates all the units that would use the facility, and there is nearby

available parallel parking. In reference to the custom lots, these lots would allow the purchaser to build a house somewhere between the size of a Cottage unit and a Cape Hatteras unit. He reminded the Commission the proposed architecture of the custom lots would be submitted to staff for approval.

Commissioner Bauer invited audience members who wished to testify or comment on the application to come forward.

Linda Gore, 60 Oak Shade Road, Coordinator - Bennington Urban Growth Committee, on behalf of her community, thanked the Planning Commission for the attention to detail that has been shown in overseeing this site plan. However, she raised questions regarding egress and ingress for the development, energy standards, and noise attenuation. Mr. Unterberg stated that the primary access into the development is Watkins Mill Road, and that the future bridge over the CSX tracks from Clopper Road will also provide access. In addition, a secondary access will be made available when the future Interchange off I-270 is built. There is, however, a temporary emergency access via Metropolitan Grove Road located at the at-grade crossing of the railroad tracks, which will remain viable until the Interchange is built.

Mr. Unterberg addressed the issue of energy standards by stating that there exists a condition of the SDP to incorporate some of the LEED standards for the Urban Core and its commercial office buildings. In regards to the residential units, each of the builders have their own energy-related packages, as is typical with mainstream production housing.

In reference to the issue of noise mitigation of I-270 traffic, Mr. Unterberg stated that a noise study was performed (and is part of the record) along I-270. The study incorporated the future interchange ramps, and the outcome of the study was that due to the combination of the distance from I-270 and the grades, using 65 dBA as the standard, the noise level was acceptable. In addition, the buildings themselves provided noise attenuation by using brick fronts and upgraded materials, and additionally, there will be sections of noise fencing to limit the funneling of noise.

Ms. Gore inquired as to the potential number of occupied units prior to the completion of the proposed Interchange. Chair Bauer stated that the City has no guarantee of when and if the Watkins Mill Interchange will be built and the site plan being reviewed this evening is for 436 units, which could all be completed and occupied before the Interchange is built. Mr. Unterberg further stated that CSX has granted an easement to construct the bridge over the tracks and that both the State and Montgomery County have reviewed the issues of the bridge and its construction.

A discussion amongst the Planning Commission followed regarding existing conditions within the approved SDP and additional conditions to be added to the record were suggested.

Peter Robinson, Ryan Homes, stated that many of the routine standards utilized by his firm such as house wrap, double pane windows, and the use of 13 seer mechanical equipment, may be very close to the Energy Star package. Commissioner Hopkins encouraged the builders of this development to utilize energy efficient appliances and windows, and suggested that the applicant be given time to perform research to review current Energy Star rated homes requirements versus those implemented by the proposed builders and provide staff with an evaluation of their findings.

Ms. Marsh, voiced staff's recommendation for approval of this application on criteria of Zoning Ordinance § 24-170, with the conditions that she listed. Chair Bauer asked staff for clarification on a few of the stated Conditions. Regarding Condition #8 (bus shelters), Director Ossont stated that Montgomery County Ride-On does not typically decide where the bus routes and shelters go until the road has been built and the neighborhood is under construction. In

addition, Community Planning Director Schwarz stated that the majority of bus shelters recently erected in the City allow for advertising space, with the advertising revenue typically paying for the cost of the bus shelter.

Ms. Marsh stated that, in reference to Condition #17, the owner of the Urban Core is BP Realty Investments, which is a separate entity although related to the HOA, and this will be outlined in the HOA documents. Essentially, there will be two separate management companies—one will be responsible for the maintenance of the Urban Core section of Watkins Mill Town Center. The other will be a separate residential HOA management company for the residential units. Director Ossont added that the underlying intent behind this umbrella organization was to not saddle the residential HOA or the City with the maintenance of the conservation easements.

Steve Eckert, Classic Community Corporation, LLC, stated that there will be shared maintenance costs for the common areas, the conservation areas, and the stormwater management area. The structure was set up so that the owners of the Urban Core, having underlying ownership of the conservation areas, will have the primary responsibility for the maintenance in perpetuity. The community HOA, to be established, will have an obligation to share in the cost of the maintenance of those facilities. This agreement will be in the HOA documents, as the owner of the Urban Core wanted to ensure that they had the ultimate ability to implement the maintenance program.

Mrs. Schwarz stated that the lots and blocks are specified in Condition #29 because they require that those specific pathways be installed prior to occupancy if the final occupancy of the home is granted. This is being done in order to avoid a future homeowner purchaser raising the issue of not wanting the pathway next to their home. In addition, having those pathways installed prior to final occupancy permit issuance also assists the City Inspectors with their routine inspections.

Director Ossont responded to Commissioner Winborne's inquiry regarding number "3)" in Condition #20, stating that this refers to the phasing and build-out of the development, as per the Schematic Development Plan, although all 436 units are being presented for approval this evening, each of which will have to comply with the phasing.

Commissioner Levy asked for clarification regarding Condition #1. Planner Marsh stated that staff has assured the applicant that Condition #1 referring to Art In Public Places (AIPP) applies only to the residential portion, for which there is only one (1) piece of artwork required.

Ms. Marsh responded to Commissioner Levy's inquiry regarding Condition #24 relating to noise abatement issues and the possibility of amending the use of the phrase "...should seek to achieve..." to read as "...should achieve....," stating that this wording is a Condition that was carried over from the Schematic Development Plan (SDP) because the noise study and plans were not finalized at that time. Ms. Marsh agreed that the wording should be changed to read as "should achieve."

Planning Commissioners and staff discussed pedestrian access and street crossing issues, while Commissioner Winborne repeated his concern regarding the west section of the development being cut off from the rest of the community by Watkins Mill Road. He felt that there was a need for another option other than a crosswalk across Watkins Mill for pedestrians to get to east side of the development.

Commissioner Hopkins recommended that staff review the possibility of moving the fence to be located at Watkins Mill Road behind the single-family homes closer to the road, allowing more yard and play area for lots. In addition, he emphasized the importance of the custom homes in this development by creating architectural features of interest in the streetscape. Lastly, he expressed concern about the parking for 4-cars per loft units.

Planning Commissioners and staff discussed refining the language for the additional four Conditions (33, 34, 35 and 36) to be added to the record relating to: townhouse offset, key lot elevations, revisions to "Vanderbilt" model side elevations, and architecture approval of "custom" lots.

Chair Bauer reviewed § 24-170 and the Commissioners specifically stated justifications for how the subject application complies with said Section. Upon consideration of all the evidence and applicant's presentation, and comments from the public, the Planning Commission concluded that said plan conformed to the requirements of the Zoning Ordinance with the listed conditions, as discussed.

Commissioner Levy moved, seconded by Commissioner Winborne, to direct Staff to prepare a RESOLUTION granting SP-05-0013 – Watkins Mill Town Center, Part I – FINAL PLAN APPROVAL, finding the plan in compliance with Zoning Ordinance § 24-170, with the following conditions:

1. Applicant to provide an Art in Public Places (AIPP) phasing and implementation plan to be approved by City staff in consultation with the AIPP committee prior to the issuance of building permits;
2. The applicant shall provide dimensions, total square footage, and bearings and distances for each block on the final site plan prior to the issuance of final grading permits;
3. Final architecture and parking calculations for the mid-town urban lofts shall be approved by the Planning Commission as a future Amendment to Final Plan;
4. The developer of the residential units shall place fences along the rear property lines for the large single-family lots facing the McGowan property, the future City park property, and the Devlin property. Final fence details and locations are to be approved by staff. The developer shall provide disclosures mandating the fence not be removed by to the future homeowners of said subject lots relating to the maintenance and placement of the fences. These documents shall be reviewed and approved by City staff;
5. The applicant shall place all gas meters in the rear of the single-family detached, attached, and two-over-two condominium units; however, meters may be placed in side yards of front-loaded single-family units in accordance with the Design Guidelines;
6. The applicant shall provide a list of street names for the community for review and approval by the City and the Maryland-National Capital Park and Planning Commission (MNCPPC) prior to the submission of record plats;
7. Developer shall be required to provide Community Amenities early on in the development of the project, namely the Midtown's park amenities of the Tot-Lot, pool, clubhouse,

tennis court, and the adjoining Park along with the path thru the sensitive areas. These shall be constructed at the time of the issuance of the building permit for the 150th unit. The additional parks and tot-lots and path through the northern park will be built as the surrounding housing is constructed, with all residential amenities completed by the time of issuance of the building permits for the last 50 units;

8. Applicant to work with City staff and Montgomery County Ride-On regarding the review and approval of all bus shelter locations and routes;
9. Applicant must submit a final storm water management plan, including final details for bio-retention ponds, and storm water outfall plans to be reviewed and approved by the Department of Public Works, Park Maintenance, and Engineering (DPWPM&E) prior to issuance of final grading permits;
10. Applicant to provide final stream stabilization plans and stormwater management outfall plans to be approved by DPWPM&E, the U.S. Army Corps of Engineers, and Maryland Department of the Environment prior to the issuance of final grading permits; however, staff may issue a conditional final grading permit prior to MDE approval, if deemed appropriate;
11. Final roundabout designs to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
12. All driveway widths, lengths, and location changes are to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
13. The applicant shall receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase;
14. The final utility plan shall be revised and approved by DPWPM&E prior to the issuance of Public Works permits for each phase;
15. Final retaining wall locations, design, peer review, and plan are to be approved by DPWPM&E prior to the issuance of Public Works permits;
16. Final signing, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
17. The applicant shall place all environmentally sensitive areas, as identified on the forest conservation plan, under a permanent conservation easement to be recorded and identified on a plat to be recorded and submitted to

Montgomery County Land Records prior to issuance of building permits. The owner of the Urban Core shall own and be responsible for maintaining all areas within the conservation easement;

18. The Declaration of Covenants and Homeowners Association Documents may provide a shared maintenance agreement between the Urban Core and the HOA to ensure the owners of the Urban Core will have perpetual ownership and maintenance responsibilities as shown on the Plat/Ownership Exhibit (Exhibit #78);
19. The applicant shall dedicate the approximately 14 acres of undisturbed parkland depicted on the western portion of the Casey Property West plan to the City of Gaithersburg to be recorded and submitted to Montgomery County Land Records prior to the issuance of building permits;
20. The applicant shall dedicate to the appropriate governmental agencies portions of the property indicated on the schematic development plan required for the construction and completion of: 1) the Watkins Mill Road Interchange with I-270 right-of-way, including associated ramps; 2) Watkins Mill Road extended right-of-way; and 3) Corridor Cities Transitway right-of-way when required by the appropriate local or state agency including the City of Gaithersburg, Montgomery County, the Maryland Transit Administration and State Highway Administration. Associated Declaration of Covenants and Homeowners Association Documents shall be reviewed and approved by the City Attorney prior to the issuance of Public Works permits for each phase;
21. Applicant to fulfill the twelve (12) forest conservation plan conditions and receive approval from Division of Environmental Affairs prior to issuance of final grading permits;
22. Prior to clearing Phase II (i.e., stream valley buffer), the applicant shall receive all necessary approvals and permits from the City, the U.S. Army Corps of Engineers, Washington Suburban Sanitary Commission (WSSC), and Maryland Department of the Environment;
23. The applicant shall obtain final landscape plan approval from staff prior to the issuance of final grading permits;
24. The applicant shall continue to work with staff to develop technically effective, feasible, aesthetic, and reasonable interior and exterior noise abatement measures to prevent unacceptable noise exposures to the future residents of the development. Noise abatement measures should seek to achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline. Prior to approval of building permits, there shall be a certification by a professional engineer with competency in acoustical analysis that the building shell will

attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits;

25. Applicant shall continue to work with Staff on an interpretive sign program for path system to be reviewed and approved prior to the issuance of building permits;
26. This site plan shall constitute a waiver to be granted by the Planning Commission in accordance with § 24-169(f) of the City Ordinance, allowing for a later submittal of the final record plats;
27. The applicant shall receive approval of the final record plat from the City Planning Commission and record it in the Land Records of Montgomery County prior to the issuance of building permits;
28. The applicant shall submit a sign package to include, but not be limited to, entry feature signage and future Urban Core signage to be approved by the Planning Commission as a future Amendment to Final Plan;
29. The applicant shall complete the construction of all sidewalks/pathways between the following units prior to the issuance of final occupancy permits:
 - Lots 8 and 9, Block I
 - Lots 42 and 43, Block I
 - Lots 29 and 30, Block I
 - Lots 21 and 22, Block I
 - Lots 3 and 4, Block E
 - Lots 6 and 7, Block O
 - Lots 11 and 12, Block O
 - Lots 16 and 17, Block M
30. Applicant to modify Cover Sheet (Exhibit #14) notes #9 to state: "All pedestrian walks, conversation easements and buffers to be maintained by the Urban Core, unless otherwise approved by the City."
31. This site plan includes the residential section and only streets in the Urban Core of Watkins Mill Town Center. The applicant shall submit separate site plans for the Urban Core, the hotel located on Watkins Mill Road, the storm water management pond water feature, and the gas station/bank parcel;
32. Prior to clearing Phase III [i.e., area northwest of the Corridor Cities Transitway (CCT)], the City Manager must determine that the applicant has met all legal obligations to the City;

33. Applicant to vary vertical plane of the front walls of the townhouses in accordance with the design guidelines prior to the issuance of building permits;
34. Applicant to work with staff to improve side elevation features for key lots that function either as gateways or entrances to major streets prior to the issuance of building permits;
35. Applicant to revise side elevations of the Vanderbilt units for Planning Commission approval as an Amendment to Final Plan prior to the issuance of building permits; and
36. Applicant to submit architecture for the "custom lots" to the Planning Commission for approval as an Amendment to Final Plan prior to the issuance of building permits.

Vote: 5-0

II. FROM THE COMMISSION

Commissioner Kaufman

Thanked the City for providing him the opportunity to attend the American Planning Association's (APA) National Conference held in San Antonio, Texas. He reported that at several of the seminars he attended, Gaithersburg was cited as a model to be emulated by other communities with respect to mixed and transit-oriented developments.

Vice-Chair Levy

Thanked the Planning staff for arranging his attendance at the APA National Conference, and Director Ossont, in particular, for being a gracious host at that event.

Commissioner Winborne

Reported a parking shortage at the Lakelands Park Middle School. Chair Bauer requested staff to revisit the approved site plan to clarify the parking counts and discuss possible methods of enforcing the approved parking plan.

III. FROM STAFF

Planning and Code Administration Director Ossont

1. Reminded the Commission that although the upcoming work session on affordable housing on May 8, 2006, is not a joint work session, the Commissioners are encouraged to attend.
2. Noted that an update on several Action Items will be provided in the next meeting package delivery.

Community Planning Director Schwarz

Announced a joint work session on The Vistas (SDP-04-001) has been tentatively scheduled for May 30, 2006.

IV. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 10:40 p.m.

Respectfully submitted,

Marie Best
Recording Secretary